

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 1-45 and 47-75 are currently pending in the application of which claims 1, 29, 45 and 52 are independent. Claim 46 is canceled. Claims 45-51 were allowed. Claims 1-44 and 52-75 were rejected.

Summary of the Office Action

Claims 1-44 and 52-75 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

No prior art rejection was given in the Office Action, and claims 1-44 and 52-75 were indicated as being allowable if the rejection under 35 U.S.C. §112, second paragraph is overcome.

Drawings

The Office Action did not indicate whether the formal drawings filed with the application are accepted. Indication of acceptance of the drawings is requested.

Claim Rejection Under 35 U.S.C. §112

Claims 1-44 and 52-75 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection states, "Claims 1-44 and 52-75 claim method steps, however, the method steps are not further defined to describe what entity is performing the method."

This rejection is traversed because (1) independent claims 1, 29, and 52 indicate the entity performing the steps, and also because (2) there is no requirement to claim the entity performing the steps and the steps are clear and definite as recited.

Independent claims 1 and 52 each recite a step of "real-time scheduling communications." Claims 1 and 52 further recite that the wireless communication node performs the real-time scheduling. Independent claim 29 recites steps of "real-time scheduling downlink communications...; and real-time scheduling uplink communications." Claim 29 further recites that these steps are performed by a wireless communication node. Thus, at least some of the method steps of claims 1-44 and 52-75 recite the entity performing the steps.

Furthermore, there is no requirement to indicate which entity is performing a particular step or to indicate which entity is performing the method. Instead, according to the MPEP § 2171, the scope of the claim should be clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. The scopes of claims 1-44 and 52-75 are clear, as set forth by the specific steps recited in the claims. Accordingly, the rejection of claims 1-44 and 52-75 should be withdrawn and the application allowed.

PATENT

Atty Docket No.: 200902578-1
App. Ser. No.: 10/803,172

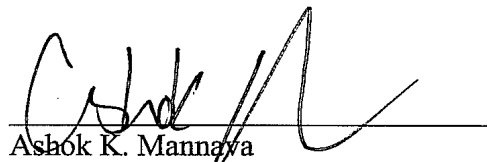
Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

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By



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